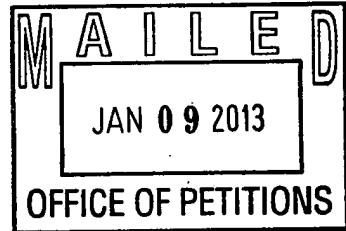




UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Patent No. 6,722,108 :
Issued: April 20, 2004 : ON PETITION
Application No. 09/338,158 :
Filed: June 22, 1999 :
For: COUPON INSERTING APPARATUS :

This is in response to the petition under 37 CFR 1.378(c), filed October 1, 2012, to accept the unintentionally delayed payment of the second maintenance fee for the above-identified patent.

The patent issued on April 20, 2004. The grace period for paying the second maintenance fee expired on April 21, 2012.

On May 29, 2012, a petition under 37 CFR 1.378(c) was filed and signed by purported assignee, C. Joyce Witt. The petition included a certification signed by C. Joyce Witt indicating that she was empowered to act on behalf of the assignee of the entire interest, as well as identified the reel and frame number where the purported assignment to C. Joyce Witt was recorded. The Office could not process the credit card authorization form for payment of the required maintenance fee and surcharge because the credit card was declined.

On September 6, 2012, a second petition under 37 CFR 1.378(c) was filed and signed by Anthony J. Nowakowski. The petition was accompanied by payment of the second maintenance fee and the surcharge for late payment due to unintentional delay.

On September 17, 2012, the Office mailed a decision in response to the petition filed May 29, 2012, and the supplemental petition filed September 6, 2012. The decision stated there was no indication in the USPTO's records that Mr. Nowakowski is an attorney or agent registered to practice before the USPTO. Furthermore, Mr. Nowakowski did not establish that he had authority to sign on behalf of an assignee. The decision further stated that the Office would not presume from the filing of the petition and payment of the requisite fees that Mr. Nowakowski was a proper party pursuant to 37 CFR 1.378(d). Accordingly, the Office concluded that the petition submitted by Mr. Nowakowski was improperly signed and would not be treated on the merits.

On October 1, 2012, a petition under 37 CFR 1.378(c) was filed and signed by Anthony J. Nowakowski. The petition was accompanied by a Statement under 37 CFR 3.73(b) signed by Anthony J. Nowakowski, V.P. Engineering, stating that C. Joyce Witt, an individual, is the assignee of the entire right, title, and interest in the patent by virtue of an assignment from the inventor, and that the assignment was recorded in the USPTO at Reel/Frame 024066/0886 and Reel/Frame 025497/0186. Additionally, C. Joyce Witt submitted a change of correspondence address, as well as a communication empowering Anthony J. Nowakowski to sign on her behalf with regards to patent matters.

Pursuant to 37 CFR 1.378(d), "Any petition under [37 CFR 1.378] must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest." A person or organization whose only responsibility as to the patent is the payment of the maintenance fee is not a party in interest for purposes of 37 CFR 1.378. See MPEP 2590. If a person not registered to practice before the Office signs the petition, the petition must indicate that the person signing the petition is the patentee, assignee, or other party in interest. Id. An assignee must comply with the requirements of 37 CFR 3.73(c). Id.

Initially, the Office notes that no assignment from inventor Thomas George Kotsiopoulos to C. Joyce Witt was ever recorded with the USPTO. Thus, the chain of title from the inventor to Ms. Witt is unclear. Mr. Nowakowski indicated that Ms. Witt is the assignee of the entire right, title, and interest in the

patent by virtue of an assignment from the inventor, and that the assignment was recorded in the USPTO at Reel/Frame 024066/0886 and Reel/Frame 025497/0186. However, the documents recorded at Reel/Frame 024066/0886 and Reel/Frame 025497/0186 are not assignments of ownership interest in the patent from the inventor to Ms. Witt, but rather are a lien and an assignment of security interest. Without a copy and recordation of the assignment of ownership interest from the inventor to Ms. Witt, it is not apparent that she is the assignee of the entire right, title, and interest in this patent. **Before Ms. Witt may file any further petition or other documents in this matter, she must establish that she is the assignee by submitting a copy of the assignment of ownership from the inventor to her for recordation in the USPTO and complete the accompanying Statement under 37 CFR 3.73(c).**

Assuming arguendo, Ms. Witt is the assignee, she may give power of attorney to one or more patent practitioners to act on her behalf in this patent matter. However, Ms. Witt is not permitted to empower another individual such as Mr. Nowakowski, who is not an attorney or agent registered to practice before the USPTO, to act on her behalf. The power of attorney from Ms. Witt to Mr. Nowakowski will not be entered.

In view of the above, the Office again concludes that the present petition submitted by Mr. Nowakowski is improperly signed, and therefore, will not be treated on the merits. Accordingly, the present petition is dismissed.

As Ms. Witt has not established that she is the assignee of the entire right, title, and interest in this patent, the Office will not enter the change of correspondence address. As a one-time courtesy, the Office will mail a copy of this decision to the address indicated on the petition. However, until otherwise instructed, the Office will mail all future correspondence regarding this patent solely to the address of record.

Petitioner should note that if this petition under 37 CFR 1.378(c) is not renewed, or if renewed and not granted, the maintenance fee and post-expiration surcharge are refundable. Any request for refund should be in writing to the following address:

Mail Stop 16
Director of the US Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

A copy of this decision should accompany the request.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By fax: (571) 273-8300
ATTN: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Correspondence may also be submitted electronically via the USPTO electronic filing system.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

/Christina Tartera Donnell/

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosures: Forms PTO/SB/66; PTO/AIA/96; PTO/AIA/123

Cc: Anthony J. Nowakowski
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